IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.374 OF 2004

Mr.Tukaram @ Balu Sitaram Gaware ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.R.S.Kate for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 15, 2004.

P.C.

1. Only two contentions are raised before me. The first argument is that there is no sufficient evidence to establish the identity of the driver. This contention is devoid of merits. The Trial Court, in Para 16 and Appellate Court in Para 5 have found, as of fact, that the identity of the driver is established by the evidence of P.W.4. That is a finding of fact. No reason to interfere with the concurrent view taken by the two Courts

below.

2. The second argument canvassed before this Court is that there is no evidence to establish the fact that the Applicant indulged in rash and negligent driving. Even on this aspect, both the Courts below have considered the materials on record and have recorded concurrent finding of fact that the vehicle was driven in rash and negligent manner. If it is so, no case for interference in exercise of revisional jurisdiction. Dismissed.

A.M.KHANWILKAR, J.